

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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John S. Wronski, Jr.

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) Examiner: Daniel S. Felten

Title: **METHOD AND SYSTEM FOR AUTHORIZING USE OF A TRANSACTION CARD**

APPELLANT'S SUBSTITUTE APPEAL BRIEF

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the final rejection of claims 1-24 of the above-identified Application. Appellant's Appeal Brief was filed on August 23, 2004, an Amended Appeal Brief was filed on December 13, 2004, and Appellant's Reply Brief was filed on April 8, 2005. This Substitute Appeal Brief is submitted in response to the Notification of Non-Complaint Appeal Brief mailed November 3, 2006. Filed concurrently herewith is a petition and fee for a one month extension of time. However, the Commissioner is hereby authorized to charge any additional fees that may be required for this appeal or credit any over payment to Deposit Account No. 16-1885.

Substitute Appeal Brief
Serial No. 09/995,218
Attorney Docket F-421



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I. REAL PARTY IN INTEREST

Pitney Bowes Inc., a Delaware corporation having its principal place of business in Stamford, Connecticut, is the real party in interest by way of assignment from the Appellant.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to Appellant, his legal representative, or the assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

- (1) Claims 1-24 are the subject of this Appeal and stand rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious by U.S. Patent Number 5,500,513 to Langhans, et al. ("Langhans '513") in view of U.S. Patent Number 6,339,766 to Gephart ("Gephart '766").
- (2) Appellant hereby appeals the rejection of claims 1-24.

IV. STATUS OF THE AMENDMENTS

(1) Claims 1-24 were filed with the application on November 27, 2001. In an Amendment dated April 28, 2003, claims 1, 8, 16 and 18 were amended. In an Amendment dated October 24, 2003, claims 1, 8, and 18 were amended. Finally, an Amendment After Final Rejection was filed on February 11, 2004, but in an Advisory Action dated July 14, 2004, the Examiner notified Appellant that the Amendment would not be entered. Accordingly, no amendments to the claims were entered subsequent to the Final Rejection of January 14, 2005. Therefore, the claims set forth in Appendix A to this brief are those as set forth before the Final Rejection.

- (2) Appendix A attached hereto contains current claims 1-24 on appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention comprises a system that secures transaction cards (e.g., credit cards or debit cards) from fraudulent uses by establishing and using an

authorization code that is specific to a particular transaction. The transaction specific authorization code is used during the purchase of a specific item in the following manner: (i) prior to a card owner purchasing an item, the card owner contacts the bank that issued the credit or debit card (Figure 2, step 202; page 6, line 25 - page 7, line 5); (ii) the bank provides the card owner with a plurality of authorization parameters that are available for calculating an authorization code associated with a transaction to purchase a specific item(s), which parameters are used to identify or distinguish between different transactions and can include information such as: anticipated time or date of purchase, cost, merchant name, item name, item category and the like (Figure 2, step 204; page 7, lines 5-23); (iii) the card owner selects a subset of the plurality of authorization parameters to identify this specific transaction (*Id.*); (iv) the bank calculates an authorization code corresponding to the parameter data associated with this specific transaction (Figure 2, step 206; page 7, line 23 - page 8, line 7); (v) the bank provides a transaction specific authorization code to the card owner (Figure 2, step 208; page 7, lines 7-8); (vi) the card owner provides the transaction specific authorization code to the merchant during the transaction (Figure 3, step 302; page 8, lines 16-17); (vii) the merchant provides the transaction specific authorization code and transaction data (e.g., item name, merchant name, etc.) to a bank where the card owner's account has been established (Figure 3, step 304; page 8, lines 18-22); (viii) the bank calculates a confirmation code (Figure 3, steps 306-308; page 8, line 22 - page 9, line 2); (ix) the bank or the merchant can compare this code to the transaction specific authorization code to determine whether or not to approve the transaction (Figure 3, steps 310-314; page 9, lines 2-16); and (ix) if the comparison is performed by the bank, the bank transmits either an approval notice or a rejection notice back to the merchant (*Id.*).

The authorization code that is calculated, provided to the merchant and compared in the present invention is specific to a particular transaction, and a new authorization code is regenerated prior to each transaction (Figures 2 and 2A; page 6, lines 26-28). For example, if a card owner anticipates purchasing a refrigerator, but does not know when, where, from whom or at which price, the card owner can designate "refrigerator" as the selected parameter data with the bank to define this particular transaction. Then the card owner's bank uses this parameter data for

generating a transaction specific authorization code, which now can only be used with the purchase of a refrigerator. (Page 11, lines 8-23)

With subsequent transactions, the card owner has flexibility and can select different parameters to describe the specific transaction, such as geographic location, date, merchant name, etc. (Figure 2; page 7, lines 9-11). Again, the card will be authorized for a purchase only if the transaction specific authorization code, which is generated based on parameters identifying this transaction, matches the confirmation code for that specific transaction. (Figure 3, step 310; page 9, lines 2-13)

Fig. 2 of the Specification, which illustrates the method for conducting transactions according to an embodiment of Appellant's invention where the card owner obtains a transaction specific authorization code to be used for a purchase, is reproduced below:

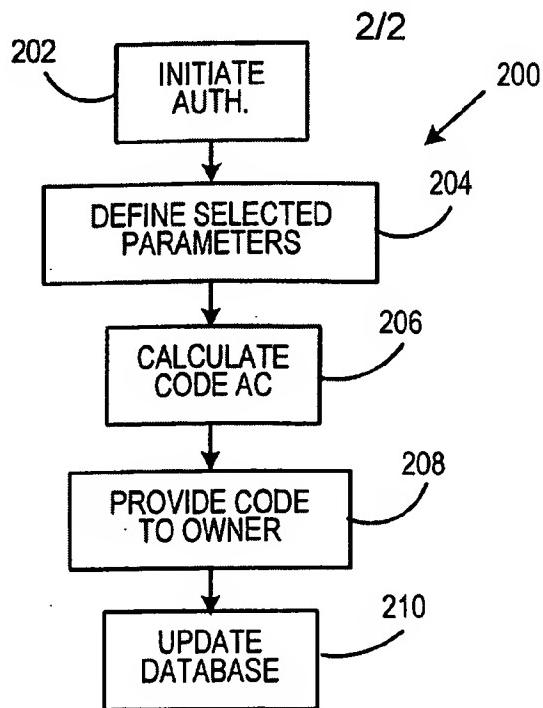


FIG. 2

Fig. 3 of the Specification, which further illustrates the method for conducting transactions according to an embodiment of Appellant's invention where the card owner provides the transaction specific authorization code to a merchant to purchase merchandise, is reproduced below:

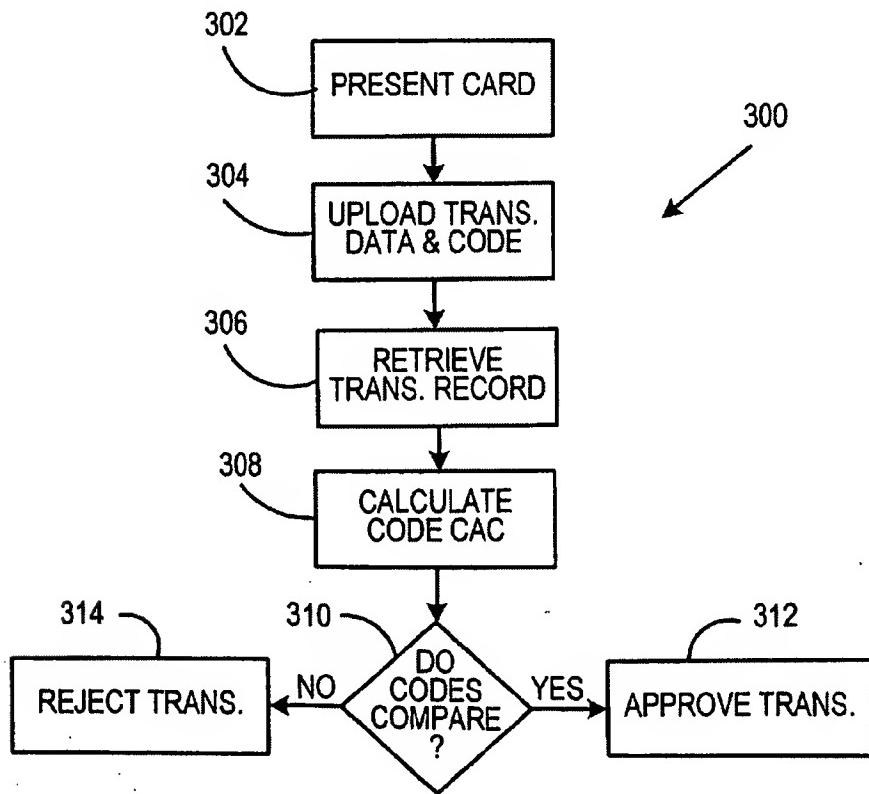


FIG. 3

The present invention thus provides increased protection against fraud while giving the card owner flexibility to define which transactions are authorized on a transaction specific basis. (Page 3, lines 25-27)

Independent Claim 1 is directed to a method of authorizing purchases by an owner of an account wanting to purchase an item from a merchant, comprising "providing a plurality of authorization parameters available for use in calculating an

authorization code associated with a transaction to purchase the item; defining a selected subset of the plurality of authorization parameters (Fig. 2, step 204; page 7, lines 5-23); establishing respective authorization parameter data for each of the selected authorization parameters (*Id.*); calculating the authorization code corresponding to the established respective authorization parameter data (Fig. 2, step 206; page 7, line 23 - page 8, line 7); providing the authorization code to the owner (Fig. 2, step 208; page 7 lines 7-8); providing the authorization code to the merchant (Fig. 3, step 302; page 8, lines 16-17); receiving the authorization code and transaction data from the merchant at the bank (Fig. 3, step 304; page 8 lines 18-22); calculating a confirmation authorization code from the transaction data corresponding to the established respective authorization parameter data (Fig. 3, steps 306-308; page 8, lines 22 – page 9, line 2); and comparing the authorization code with the confirmation authorization code to determine whether or not to approve the transaction (*Id.*).”

Independent Claim 8 is directed to a method of operating a transaction processing data center for authorizing purchases, comprising: “providing a plurality of authorization parameters available for use in calculating an authorization code associated with a transaction to purchase the item (Fig. 2, step 204; page 7, lines 5-23) receiving an input from the owner of a selected subset of the plurality of authorization parameters (*Id.*); receiving from the owner respective authorization parameter data for each of the selected authorization parameters (*Id.*); calculating the authorization code corresponding to the received respective authorization parameter data (Fig. 2, step 206; page 7, line 23 - page 8, line 7); providing the authorization code to the owner (Fig. 2, step 208; page 7, lines 7-8); providing the authorization code to the merchant (Fig. 3, step 302; page 8, lines 16-17) receiving the authorization code and transaction data from the merchant (Fig. 3, step 304; page 8, lines 18-22); calculating a confirmation authorization code from the transaction data corresponding to the received respective authorization parameter data (Fig. 3, steps 306-308; pages 8, line 22 - page 9, line 2); and comparing the authorization code with the confirmation authorization code to determine whether or not to approve the transaction (Fig. 3, steps 310-314; page 9, lines 2-16).”

Independent Claim 16 is directed to a database for processing a transaction, comprising: "a plurality of owner account information files (Fig. 1, items 164, 165; page 6, lines 7-24; Fig. 2, steps 202-210, page 7, lines 5-25); a plurality of authorization parameters available for use in calculating an authorization code associated with a transaction to purchase an item (*Id.*); and a plurality of transaction authentication records corresponding to the plurality of owner account information files, respectively (Fig. 1, items 164, 165, page 6, lines 7-24; Fig. 3, steps 302-314; page 8, line 13 - page 9, line 16); and where each transaction record is representative of a respective transaction and has associated therewith a selected subset of the plurality of authorization parameters, respectively (*Id.*) and an authorization code corresponding to the selected respective authorization parameter data, respectively (*Id.*)."

Independent Claim 18 is directed to a system for authorizing purchases by an owner of an account, comprising: "means for providing a plurality of authorization parameters available for use in calculating an authorization code associated with a transaction to purchase the item (Fig. 1, items 162 and 164; page 5, line 20 - page 6 line 24), means for defining a selected subset of the plurality of authorization parameters (Fig. 1, item 164; page 5, line 20 - page 6, line 24); means for establishing respective authorization parameter data for each of the selected authorization parameters (*Id.*); means for calculating the authorization code corresponding to the established respective authorization parameter data (*Id.*); means for providing the authorization code to the owner (Fig. 1, items 162 and 164; page 5, line 20 – page 6, line 24); means for providing the authorization code to the merchant (*Id.*); means for receiving the authorization code and transaction data from the merchant at the bank (*Id.*); means for calculating a confirmation authorization code from the transaction data corresponding to the established respective authorization parameter data (see Fig. 1, item 164; page 5, line 20 – page 6, line 24); and means for comparing the authorization code with the confirmation authorization code to determine whether or not to approve the transaction (*Id.*)."

Dependent Claim 19 depends on claim 18, and is directed to means for allowing the owner to define the selected subset of the plurality of authorization parameters and establish the respective authorization parameter data for each of the selected

authorization parameters (Fig. 1, items 160, 162, 164, 165; page 5, line 20 – page 6, line 24).

Dependent claim 20 depends on claim 19 and is directed to: the means for comparing the authorization code with the confirmation authorization code is located at the bank (*Id.*); and further comprising: if the authorization code and the confirmation authorization code do not match, means for transmitting a rejection notice from the bank to the merchant (Fig 1, items 162, 164, 165; page 5, line 20 – page 6, line 24).

Dependent claim 21 depends on claim 20, and is directed to: means for storing a plurality of transaction authentication records at the bank where each transaction record is representative of a respective transaction and has associated therewith a respective authorization code (*Id.*); and means for using the authorization code received at the bank from the merchant to locate a corresponding one of the plurality of transaction authentication records for use in determining whether or not to approve the transaction (*Id.*).

Dependent claim 22 depends on claim 21, and is directed to: means for including with the plurality of authorization parameters a transaction sequence parameter (*Id.*).

Dependent claim 23 depends on claim 20, and is directed to: means for providing an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code (*Id.*); means for receiving the owner selections indicator from the merchant at the bank (Fig. 1, item 162; page 6, lines 7 – 15); and means for using the owner selections indicator to identify the transaction data corresponding to the selected parameter data (Fig. 1, items 164, 165; page 5, line 20 – page 6, line 24).

Dependent claim 24 depends on claim 18, and is directed to: means for providing an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code (Fig. 1, items 162, 164, 165; page 5, line 20 – page 6, line 24); means for receiving the owner selections indicator from the merchant at the bank (*Id.*); and means for using the owner selections indicator to identify the transaction data corresponding to the selected parameter data (*Id.*).

Additional features of the invention are discussed below in the Argument section of this Brief. This summary is not intended to supplant the description of the claimed subject matter as provided in the claims as recited in Appendix A, as understood in light of the entire specification. Further, any references to the specification or structure in the specification incorporated in the above descriptions of the claims are exemplary and should not be considered limiting in nature.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether the subject matter defined in Claims 1-24 is unpatentable under 35 USC §103(a) over Langhans '513" in view of Gephart '766? In particular, do the asserted references describe or suggest the steps and elements relating to using a transaction specific authorization code to prevent fraud during the purchase of a particular item?

VII. THE ARGUMENT

As Appellant discusses in detail below, the final rejection of Claims 1-24 is devoid of any factual or legal premise that supports the position of unpatentability. It is respectfully submitted that the rejection does not even meet the threshold burden of presenting a *prima facie* case of unpatentability. For this reason alone, Appellant is entitled to the grant of a patent. *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

A. The subject matter defined by Claims 1-24 are not rendered obvious by Langhans '513 in view of Gephart '766.

To establish a proper case of obviousness under § 103(a), the Examiner must make a *prima facie* showing that the prior art contains some teaching or suggestion of, or motivation for, all the elements of the claimed invention. Thus, it is well settled that the Examiner "bears the initial burden . . . of presenting a *prima facie* case of unpatentability." *In re Piasecki*, 223 USPQ 785, 788 (Fed. Cir. 1984); *In re*

Oetiker, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993).

In rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 375 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *In re Deuel*, 51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995); *In re Fritch*, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that both the suggestion and reasonable expectation of success must stem from the prior art itself, as a whole. *In re Ochiai*, *supra*; *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

Claims 1-24 were rejected under 35 USC §103(a) as being unpatentable over Langhans '513" in view of Gephart '766". It is respectfully submitted that the rejection of claims 1-24 should be withdrawn, because the cited references fail to describe or suggest the various elements of the claimed invention. Further, Appellant respectfully submits that the Examiner has misconstrued the teachings of the asserted references as applied to the present invention, and the rejection does not even meet the threshold burden of presenting a *prima facia* case of unpatentability. For these reasons, Appellant is entitled to grant of a patent.

The present invention allows for a credit card or debit card owner to prevent fraudulent uses of the credit card or debit card by having the card owner interact with a bank or credit card agency in advance of purchasing an item to obtain an authorization code that is specific to this anticipated purchase. This transaction specific authorization code is then provided to the merchant at the time of the purchase. *It should be stressed that this authorization code is different for each transaction and does change from one*

transaction to the next. The code is generated from a plurality of authorization parameters that are used to identify or distinguish between different transactions. Upon receiving the authorization code, the merchant then provides the authorization code and specific transaction data to the bank where the card owner's account has been established. The bank generates a confirmation code and either sends the code to the merchant, or analyzes the data itself and either approves or rejects the transaction, and then conveys this information to the merchant.

Appellant submits that the concept of an authorization code being associated with each transaction to purchase an item is disclosed within the specification and clearly appears in the claims. For example, claim 1, step (9) of the present invention recites: "a plurality of authorization parameters available for use in calculating an authorization code associated with a transaction to purchase the item;" This indicates that the calculated authorization code is associated with each transaction to purchase an item, and must change with each new purchase. The association to a transaction to purchase an item is accomplished by having a user select from a plurality of available authorization parameters. These authorization parameters are defined in the specification at page 7, lines 5-11: "Next, at 204, the bank 160 presents the owner 120 with a plurality of authorization parameters available for selection by the owner 120. The authorization parameters are types of information that may be used to identify or distinguish between different transactions. As examples, the plurality of authorization parameters may include: time, date, cost, location, merchant name, merchant category, item name, item category, transaction sequence number, and the like."

Further, dependent claim 4, step (1) recites: "storing a plurality of transaction authentication records at the bank where each transaction record is representative of a respective transaction and has associated therewith a respective authorization code;" The language cited to in claim 1 also appears in independent claims 8, 16, 18; and the language cited to in claim 4 also appears in claims 11 and 21.

In the rejections, the Examiner has applied Langhans '513 as disclosing a method for authorizing purchases by an owner of an account previously established with a bank where the owner provides an authorization code to the merchant. This reference, however, does not teach or disclose the features of the present invention,

and more specifically does not disclose a system that generates an authorization code specific to a transaction and one that changes each time a card owner plans to make a new purchase. Instead, Langhans '513 is directed to an automated purchasing control system that is typically used in large companies (e.g., a corporation) with many employees where each employee has different purchasing abilities based on the employee's position in the company's hierarchical structure (Langhans '513, column 1, line 62 - column 2, line 5). This hierarchical structure is contained in a database that is set up at the time the automated purchasing control system is established (Langhans '513, column 3, lines 50-58). A card holder's placement in the hierarchical structure, dictates that card holder's purchasing ability. At the time of purchase, a merchant sends the unique card number that is permanently encoded on the credit card to the centralized control system to look up the card user's account and verify the card owner's purchasing ability (Langhans '513, column 2, line 56 to column 3, line 13). Langhans '513 teaches the following at column 2, line 56 to column 3, line 13:

In operation, the system of the present invention uses credit cards which have encoded on them a unique card number. This card number would include the individual account number, plus a bank identification number (BIN) which identifies the card as one designated for a purchasing control system. When the user makes a purchase, either in person or over the telephone, and the merchant passes the card through a point-of-sale (POS) device or terminal, the card number is transmitted over a credit card authorization system, such as the Visa system, to a remote central computer. The computer will detect that the BIN number is one indicating a purchasing control system, and direct the authorization request to the centralized purchasing control computer system. This system will then look up the account number and identify the hierarchical position of the account number. The appropriate test for that account number will be identified and applied, along with tests of other elements higher in the hierarchy under which that account number falls. After the tests are performed, the computer will, depending upon the company's customized programming, generate a signal indicating the authorization request is either allowed or denied. If a particular test is failed, the system may simply generate a report item rather than a failure to authorize, depending upon how the system has been customized for the company. (emphasis added)

As can be seen above, Langhans '513 teachings merely consist of transmitting this unique card number that is permanently encoded on the card to a credit card authorization system. This number does not change and has no relationship to a particular transaction. Based on this number encoded on the card, the authorization system looks up the account number, identifies the hierarchical position of the card user and conducts tests to determine the card user's purchasing ability. The information encoded on the card in Langhans '513 is not typical of other credit cards. It includes a bank identification number (BIN) that identifies the card as one designated for a purchasing control system, clearly in contrast with a typical credit card in which the account number on the card simply identifies the individual cardholder account. (Langhans '513, column 5, lines 33-50). Further, since the authorization process in Langhans '513 is based on the transmission of this encoded card number to a credit card authorization system, any human intervention is removed from the process. As stated at column 2, lines 19-22:

"The present invention thus allows a company's expense and purchasing controls to be automated and implemented without human intervention through the use of purchasing or credit cards."

To the contrary, a card holder in the present invention must intervene at the start of this purchasing process by contacting the bank or credit card agency with transaction details prior to making a purchase so that a transaction specific authorization code can be generated. While the actual authorization testing and approval or rejection process conducted by the bank does not require human intervention, the first step in selecting parameters so that the bank can generate an authorization code specific to a transaction does involve input from the card holder.

Finally, under the Langhans '513 system, a card user has no flexibility in modifying the user's purchasing ability once the hierarchical structure has been defined. To the contrary, the present invention allows the card user plenty of flexibility. The card holder can purchase anything he/she desires, needing only to notify the bank or credit card authorization system in advance of making a purchase so that an authorization code can be generated that is specific to that transaction. Each time the card owner

wishes to make a new purchase, the card owner must contact the bank or credit card authorization system to obtain a new authorization code. This authorization code contains information specific to the anticipated transaction. The only constraint inherent in the present invention is the ability to prevent unauthorized users from fraudulently using a card holder's card.

The Examiner refers to Gephart '766 to cure the deficiencies of Langhans '513, because the Examiner asserts that the only deficiency in Langhans '513 is that it fails to disclose that the card owner may be an individual. Appellant respectfully submits that as discussed above, the deficiencies in Langhans '513 are far greater than just failing to disclose that the owner is an individual. As a result, Gephart '766 does not cure any of the deficiencies in Langhans '513. Gephart '766 is directed to electronic payment systems in which an account number is activated for a limited period of time or for a limited number of transactions. There is no teaching or suggestion in Gephart '766 of calculating a transaction specific authorization code, providing the transaction specific authorization code to a merchant, and comparing the transaction specific authorization code and transaction data to a confirmation code to authorize or reject a transaction. Appellant thus submits that there is no suggestion to combine the references in the manner recited. Without using the present claims as a road map, it would not have been obvious to arrive at the claimed invention from these references.

Appellant will now discuss in detail the patentability of each rejected claim.

Claim 1 is directed to a method of authorizing purchases where a card user desiring to make a purchase first needs to contact the bank to obtain an authorization code for that particular purchase. This authorization code is generated from a plurality of authorization parameters that are available to distinguish between different transactions. Once generated, the authorization code is then provided to a merchant during the transaction. The code is then sent back to the bank with transaction data and is eventually used to either approve or reject the transaction. Claim 1 is patentable over the cited references for the reasons discussed above. Claims 2-7 are dependent upon claim 1, and therefore include all of the limitations of claim 1. For the same reasons the final rejection as to claim 1 is in error, Appellant respectfully submits that the rejection of claims 2-7 is similarly in error and should be reversed.

Claim 2 is patentable, however, separate and apart from its dependency on claim 1 in that the card owner defines the subset of authorization parameters and establishes the respective authorization parameter data prior to engaging in a transaction to purchase an item. There is no disclosure, teaching or suggestion in the cited references of having the card owner define or establish such parameters prior to purchasing an item. Instead, in Langhans '513, the card user has no access to the database that has been set up by the company at the time the automated purchasing control system is established. This database in Langhans '513 contains the company's hierarchical structure and thus dictates the card owner's purchasing abilities. (Langhans '513, column 3, lines 50-58).

Claims 4 and 5 are patentable, however, separate and apart from their dependency on claim 1, in that the claims provide for storing a plurality of transaction authentication records at the bank, each of which is representative of a respective transaction and has associated therewith a respective authorization code. This enables the card holder to obtain multiple authorization codes if the card owner intends to make multiple purchases. Each authorization code would be representative of a respective transaction. Claim 5 includes a transaction sequence parameter in the plurality of authorization parameters. There is no disclosure, teaching or suggestion in the cited references of having a plurality of transaction authentication records at the bank, each of which is representative of a respective transaction and has associated therewith a respective authorization code. Langhans '513, in contrast, is directed to an automated purchasing control system having one credit card number permanently encoded on the card user's credit card which is used to look up the card owner's account and identify the hierarchical position of the account number. (Langhans '513, col. 2, line 56 to col. 3, line 13). There is no mention of multiple authorization codes or of transaction sequence parameters in Langhans '513.

Claims 6 and 7 are patentable, however, separate and apart from the dependency on claim 1 in that the claims include an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code which will be provided to a merchant during a transaction. The bank subsequently receives this

information from the merchant during a transaction and now has all data necessary to confirm the transaction without needing to access previously stored transaction records. There is no disclosure, teaching or suggestion in the cited references of having a card owner provide an owner's selections indicator that will include all the data necessary for a bank to respond to the request for that specific item.

Claim 8 is directed to a method of authorizing purchases where a card user desiring to make a purchase first needs to contact the card user's bank to obtain an authorization code for that particular transaction. This authorization code is generated from a plurality of authorization parameters that are available to distinguish between different transactions. Once generated, the authorization code is provided to a merchant during the transaction and then sent to a bank that will either approve or reject the transaction. As discussed above, there is no disclosure, teaching or suggestion in the cited references of such a transaction specific authorization code. Claims 9-15 are dependent upon claim 8, and therefore include all of the limitations of claim 8. For the same reasons the final rejection as to claim 8 is in error, Appellant respectfully submits that the rejection of claims 9-15 is similarly in error and should be reversed.

Claims 11 and 12 are patentable, however, separate and apart from their dependency on claim 8 for the same reasons provided above concerning the patentability of claims 4 and 5.

Claims 13, 14 and 15 are patentable, however, separate and apart from their dependency on claim 8 for the same reasons provided above concerning the patentability of claims 6 and 7.

Claims 16 is directed to a database for processing a transaction, where the database contains: (i) a plurality of owner account information files; (ii) a plurality of authorization parameters available to calculate an authorization code associated with a transaction to purchase an item; (iii) a plurality of transaction authentication records where each transaction record is representative of a respective transaction and has associated therewith a subset of authorization parameters, respectively, and an authorization code corresponding to the selected respective authorization parameter data. As discussed above, there is no disclosure, teaching or suggestion in the cited references of having a database store a plurality of authorization parameters to

generate an authorization code for a specific transaction to purchase an item; nor do the references disclose, teach or suggest having a plurality of transaction records stored in a database where each record is representative of a respective transaction with an authorization code corresponding to the selected authorization parameter data. As discussed above, Langhans '513, to the contrary, discloses using a single account number, permanently encoded on the card to access the company's database that has been set up at the time the automated purchasing control system is established to reflect the company's hierarchical structure and the card owner's purchasing abilities. (Langhans '513, col. 3, lines 50-58)

Claim 17 depends directly from claim 16 and is patentable over the cited references for at least the same reasons. In addition, claim 17 is patentable separate and apart from its dependency on claim 16, because the cited references fail to disclose, teach or suggest a transaction sequence parameter included in the plurality of authorization parameters.

Claim 18 is directed to a system for authorizing purchases where a card user desiring to make a purchase first needs to contact the user's bank to obtain an authorization code for that particular transaction. Once generated from a plurality of authorization parameters, the code is provided to the merchant, then sent to the bank, and eventually used to approve or reject the transaction. As discussed above, there is no disclosure, teaching or suggestion in the cited references of such a transaction specific authorization code. Langhans '513 only discloses the use of a single number permanently encoded on the credit card. (Langhans '513, col. 2, line 56 to col. 3, line 13). Claims 19-24 are dependent upon claim 18 and therefore include all of the limitations of claim 18. For the same reasons the final rejection as to claim 18 is in error, Appellant respectfully submits that the rejection of claims 19-24 is similarly in error and should be reversed.

Claim 19 is patentable, however, separate and apart from its dependency on claim 18 for the same reasons provided above concerning the patentability of claim 2.

Claims 21 and 22 are patentable, however, separate and apart from their dependency on claim 18 for the same reasons provided above concerning the patentability of claims 4 and 5.

Claims 23 and 24 are patentable, however, separate and apart from their dependency on claim 18 for the same reasons provided above concerning the patentability of claims 6 and 7.

VIII. CONCLUSION

For the reasons advanced above, Appellant respectfully submits that claims 1-24 are patentable. Reversals of the rejections by the Examiner are respectfully solicited.

Respectfully submitted,



Joseph C. Kirincich
Reg. No. 38,734
Attorney for Appellant
Telephone (203) 924-3847

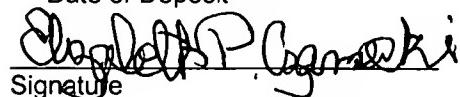
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Elizabeth P. Czarnecki
Name of Rep.

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APPENDIX A TO APPELLANT'S APPEAL BRIEF
Current Copy of the Claims

1. A method for authorizing purchases by an owner of an account previously established with a bank, the owner wanting to purchase an item from a merchant, the method comprising the step(s) of:
 - providing a plurality of authorization parameters available for use in calculating an authorization code associated with a transaction to purchase the item;
 - defining a selected subset of the plurality of authorization parameters;
 - establishing respective authorization parameter data for each of the selected authorization parameters;
 - calculating the authorization code corresponding to the established respective authorization parameter data;
 - providing the authorization code to the owner;
 - providing the authorization code to the merchant;
 - receiving the authorization code and transaction data from the merchant at the bank;
 - calculating a confirmation authorization code from the transaction data corresponding to the established respective authorization parameter data; and
 - comparing the authorization code with the confirmation authorization code to determine whether or not to approve the transaction.
2. The method of claim 1, further comprising the step(s) of:
 - allowing the owner to define the selected subset of the plurality of authorization parameters and establish the respective authorization parameter data for each of the selected authorization parameters.

3. The method of claim 2, further comprising the step(s) of:
comparing the authorization code with the confirmation authorization code at the bank; and
if the authorization code and the confirmation authorization code do not match,
then transmitting a rejection notice from the bank to the merchant.
4. The method of claim 3, further comprising the step(s) of:
storing a plurality of transaction authentication records at the bank where each transaction record is representative of a respective transaction and has associated therewith a respective authorization code; and
using the authorization code received at the bank from the merchant to locate a corresponding one of the plurality of transaction authentication records for use in determining whether or not to approve the transaction.
5. The method of claim 4, further comprising the step(s) of:
including with the plurality of authorization parameters a transaction sequence parameter.
6. The method of claim 3, further comprising the step(s) of:
providing an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code;
receiving the owner selections indicator from the merchant at the bank; and
using the owner selections indicator to identify the transaction data corresponding to the selected parameter data.
7. The method of claim 1, further comprising the step(s) of:
providing an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code;
receiving the owner selections indicator from the merchant at the bank; and

using the owner selections indicator to identify the transaction data corresponding to the selected parameter data.

8. A method of operating a transaction processing data center for authorizing purchases by an owner of an account previously established with a data center, the owner wanting to purchase an item from a merchant, the method comprising the step(s) of:

providing a plurality of authorization parameters available for use in calculating an authorization code associated with a transaction to purchase the item;
receiving an input from the owner of a selected subset of the plurality of authorization parameters;
receiving from the owner respective authorization parameter data for each of the selected authorization parameters;
calculating the authorization code corresponding to the received respective authorization parameter data;
providing the authorization code to the owner;
providing the authorization code to the merchant;
receiving the authorization code and transaction data from the merchant;
calculating a confirmation authorization code from the transaction data corresponding to the received respective authorization parameter data; and
comparing the authorization code with the confirmation authorization code to determine whether or not to approve the transaction.

9. The method of claim 8, further comprising the step(s) of:

establishing a real time connection with the owner for receiving the selected subset of the plurality of authorization parameters and the respective authorization parameter data for each of the selected authorization parameters.

10. The method of claim 9, further comprising the step(s) of:
if the authorization code and the confirmation authorization code do not match,
then transmitting a rejection notice to the merchant.
11. The method of claim 10, further comprising the step(s) of:
storing a plurality of transaction authentication records where each transaction record is representative of a respective transaction and has associated therewith a respective authorization code; and
using the authorization code received from the merchant to locate a corresponding one of the plurality of transaction authentication records for use in determining whether or not to approve the transaction.
12. The method of claim 11, further comprising the step(s) of:
including with the plurality of authorization parameters a transaction sequence parameter.
13. The method of claim 10, further comprising the step(s) of:
providing an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code;
receiving the owner selections indicator from the merchant; and
using the owner selections indicator to identify the transaction data corresponding to the selected parameter data.
14. The method of claim 10, further comprising the step(s) of:
providing an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code;
receiving the owner selections indicator from the merchant; and
using the owner selections indicator to identify the transaction data corresponding to the selected parameter data.

15. The method of claim 8, further comprising the step(s) of:
providing an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code;
receiving the owner selections indicator from the merchant; and
using the owner selections indicator to identify the transaction data corresponding to the selected parameter data.
16. A database for processing a transaction, the database comprising:
a plurality of owner account information files;
a plurality of authorization parameters available for use in calculating an authorization code associated with a transaction to purchase an item; and
a plurality of transaction authentication records corresponding to the plurality of owner account information files, respectively; and
where each transaction record is representative of a respective transaction and has associated therewith a selected subset of the plurality of authorization parameters, respectively and an authorization code corresponding to the selected respective authorization parameter data, respectively.
17. The database of claim 16, wherein:
the plurality of authorization parameters includes a transaction sequence parameter.
18. A system for authorizing purchases by an owner of an account previously established with a bank, the owner wanting to purchase an item from a merchant, the system comprising:
means for providing a plurality of authorization parameters available for use in calculating an authorization code associated with a transaction to purchase the item;
means for defining a selected subset of the plurality of authorization parameters;

- means for establishing respective authorization parameter data for each of the selected authorization parameters;
- means for calculating the authorization code corresponding to the established respective authorization parameter data;
- means for providing the authorization code to the owner;
- means for providing the authorization code to the merchant;
- means for receiving the authorization code and transaction data from the merchant at the bank;
- means for calculating a confirmation authorization code from the transaction data corresponding to the established respective authorization parameter data; and
- means for comparing the authorization code with the confirmation authorization code to determine whether or not to approve the transaction.
19. The system of claim 18, further comprising:
- means for allowing the owner to define the selected subset of the plurality of authorization parameters and establish the respective authorization parameter data for each of the selected authorization parameters.
20. The system of claim 19, wherein:
- the means for comparing the authorization code with the confirmation authorization code is located at the bank; and
- further comprising:
- if the authorization code and the confirmation authorization code do not match,
- means for transmitting a rejection notice from the bank to the merchant.
21. The system of claim 20, further comprising:
- means for storing a plurality of transaction authentication records at the bank where each transaction record is representative of a respective transaction and has associated therewith a respective authorization code; and

means for using the authorization code received at the bank from the merchant to locate a corresponding one of the plurality of transaction authentication records for use in determining whether or not to approve the transaction.

22. The system of claim 21, further comprising:

means for including with the plurality of authorization parameters a transaction sequence parameter.

23. The system of claim 20, further comprising:

means for providing an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code;

means for receiving the owner selections indicator from the merchant at the bank; and

means for using the owner selections indicator to identify the transaction data corresponding to the selected parameter data.

24. The system of claim 18, further comprising:

means for providing an owner selections indicator representative of the selected subset of the plurality of authorization parameters and the respective authorization parameter data with the authentication code;

means for receiving the owner selections indicator from the merchant at the bank; and

means for using the owner selections indicator to identify the transaction data corresponding to the selected parameter data.

APPENDIX B TO APPELLANT'S APPEAL BRIEF
Evidence Appendix

None.

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APPENDIX C TO APPELLANT'S APPEAL BRIEF
Related Proceedings Appendix

None.